IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

WP(C).No. 12680 of 2005(H)

PETITIONER:

A.P.VALSARAJ, AMBALI PARAMBIL HOUSE,
P.O.KADALUNDI NAGARAM, MALAPPURAM DISTRICT 673 314

BY ADV. SMT.SUMATHY DANDAPANI (SR.)

RESPONDENTS:

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1. KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM
REPRESENTED BY ITS CHAIRMAN.

2. THE EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD, TIRUR P.O.,
MALAPPURAM DISTRICT.

3. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL MAJOR SECTION, KERALA STATE
ELECTIRITY BOARD, PARAPPANANGADI.

BY SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.12680 of 2005

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Dated this the 31st day of May, 2007.

JUDGMENT

Heard counsel for the petitioner and Standing Counsel for KSEB. The petitioner who had commercial connection in his shop rooms constructed a house behind it and transferred the connection to his house without the approval of KSEB. The building where commercial connection was provided stands demolished. The petitioner's case is that the commercial rooms are later converted to residential building. I am unable to find acceptance for this argument because what was stated to be existing previously were two small rooms and what the petitioner has constructed presently is a modern house. What the petitioner has done is irregular because it was for the petitioner to pay power charges during construction at commercial tariff and thereafter to apply for a domestic connection. In any case since petitioner is residing in the house, I feel disconnection is not required. In the circumstances, W.P. is disposed of directing the third respondent to convert the connection as a domestic connection on petitioner remitting power charges at commercial tariff until today. The petitioner will make payment within a week from date of receipt of copy of this judgment.

Supply will be charged at domestic tariff from 1st June, 2007 onwards. However, if petitioner does not make payment, it is open to the KSEB to disconnect supply and take coercive steps for recovery. The petitioner will comply with other formalities including furnishing of security in terms of the demand made by KSEB. If agricultural connection is also disconnected on account of misuse, such connection also will be restored, if petitioner is eligible to have an agricultural connection on clearing the arrears. The interim order dated 15.4.2005 stands vacated.

C.N.RAMACHANDRAN NAIR
Judge

pms